

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

BORN TO ROCK DESIGN  
INCORPORATED,

Plaintiff/Counterclaim Defendant,

v.

BIGTIME TV, LTD.,

Defendant/Counterclaim Plaintiff.

Civil Action No. 07-CV-6193  
(JGK) (THK)  
ECF Case

**REPLY TO COUNTERCLAIM**

Plaintiff/Counterclaim Defendant, Born To Rock Design Incorporated ("BTR"), through its attorneys and pursuant to Rules 12 and 13 of the Federal Rules of Civil Procedure, replies to the counterclaim (denominated as such) of Defendant/Counterclaim Plaintiff BigTime TV, Ltd. ("BigTime"), by reference to the numbered paragraphs thereof:

1. BTR admits the allegations of paragraph 1.
2. BTR admits the allegations of paragraph 2.
3. BTR admits the allegations of paragraph 3.
4. BTR admits the allegations of paragraph 4.

5. BTR admits that its exclusive licensor registered and owns U.S. Trademark Registration No. 1,846,682 BORN TO ROCK in international class 15 for "electric guitars". BTR denies each and every other allegation of paragraph 5.
6. BTR admits that it has alleged claims for false designation of origin, false descriptions and representations, trademark infringement and unfair competition under the Lanham Act based (inter alia) upon incontestably-registered trademark rights existing in the designation BORN TO ROCK. BTR denies each and every other allegation of paragraph 6.
7. BTR denies each and every allegation of paragraph 7.
8. BTR denies each and every allegation of paragraph 8.
9. BTR denies each and every allegation of paragraph 9.
10. BTR denies each and every allegation of paragraph 10.

BTR denies each and every allegation of the "WHEREFORE" clause and denies all other allegations not expressly admitted above.

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**RELIEF REQUESTED**

Plaintiff/counterclaim defendant BTR prays for judgment in its favor granting its claims with costs, fees and interest; and dismissing BigTime's counterclaim with prejudice and denying all relief BigTime seeks therein.

Dated: December 17, 2007

Respectfully submitted,

R. KUNSTADT, P.C.

By:   
Ilaria Maggioni (IM-7220)  
729 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10019  
(212) 398-8881

Attorney for  
Born To Rock Design Incorporated,  
Plaintiff/Counterclaim Defendant

**CERTIFICATE OF SERVICE**

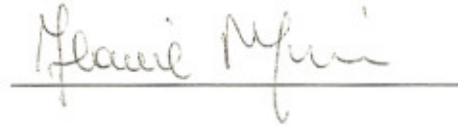
The undersigned hereby certifies that a true copy of the foregoing:

**REPLY TO COUNTERCLAIM**

has been served upon counsel for Defendant/Counterclaim Plaintiff:

Gregory P. Gulia, Esq.  
Vanessa Hew, Esq.  
Duane Morris LLP  
1540 Broadway  
New York, New York 10168

by ECF and by first class mail, postage prepaid, on December 17, 2007.

A handwritten signature in cursive script, appearing to read "Flavio M. Muri", is written over a horizontal line.